Juries - 1929

D.C.

SERVING ON NEW GRAND JURY

RUFUS G. BYARS

The new grand jury which was mpaneled last week and will continue for the next three months, has three colored men on it, in the persons of Rufus G. Byars, supervisor of the Lichtman Theatres; R. H. Harrison, proprietor of a cafe on Florida avenue, northwest, and H. D. Callis, Jr., of the Victory Life Insurance Agency force.

This is the first time three colored persons have served on the grand jury at the same time for a one time.

ON FALLS' JURY

GEORGE E. PARKER, employee of the Atlantic Coast Line, who is the only Negro on the jury serving Ex-Senator Albert B. Fall

H. D. CALLIS, JR.

R. H. HARRISON

District of Columbia Gets Three Negro Jurymen

WASHING, D . C.—The new grand jury, which was impaneled last week and will continue for the next three months, has three colored men on it, in the persons of Rufus G. Byars, supervisor of the Lichtman Theatres; R. H. Harrison, proprietor of a cafe on Florida avenue, northwest, and H. D. Callis, of the Victory Life Insurance force.

This is the first time three colored persons have served on the grand jury at the same time for a number of years.

MRS. TERRELL, JURIST

Mrs. Mary Church Terrell, 1615 S street, northwest, is a member of the February jury in Criminal Court Number 1, Chief Justice Walter I. McCoy, presiding.

Juries - 1929

Florida

Shows Fairness of Courts in Florida to Have Race on Jury

Jacksonville Attorney Cites Cases Where Decisions Were Reversed cause Our Men Were Denied Seat[illegible] Juries

By I. L. PURCELL

(Member of the Florida Bar)

The press of both races has had much to say with reference to a case recently tried in the district court of Muskogee county, Oklahoma, in which one Jewell Cerrick, a Negro man, was convicted of murder. An appeal was taken from said conviction to the criminal court of appeals of Oklahoma, and decision rendered therein on Jan. 12 this year.

In the trial court counsel representing defendant raised the question of discrimination made and practiced in that county against our Race, that none had been selected for jury service on account of their race, color and previous condition of servitude; that this practice had been the rule adopted and executed by the officers of said county.

In this particular case the party on trial being a member of the Race by reason of such discrimination was denied a fair and impartial trial. This is a recent case, and reported in 274 Pacific Reporter, a reliable law bulletin.

This decision is a righteous one based upon a case instituted in the circuit court in and for Escambia county, Florida, in 1900, in which the same question was raised and, after preliminary motions, contention was denied.

The case was appealed to the supreme court of the state, where the findings of the circuit court were confirmed. Error was taken from the supreme court of Florida to the supreme court of the United States, and is reported in volume 44, L. Ed., page 839. A study of this case would be of interest to the entire Race.

History of Case

I shall briefly state the history of the case:

During 1900 lumber and turpentine business engrossed the energy, power and attention of persons dealing in turpentine, lumber and phosphate. Labor being scarce, it became necessary to bring such labor from other states. These laborers being exceedingly poor, employers paid their transportation to their work and furnished necessary provisions for them to live upon.

These men, by reason of the small wages being paid, and the imposition of employers, became unable to meet their demand and discharge their so-called obligation. Hence, these employers would hold them in a state of servitude until they had cleared or discharged all obligations, which was impossible, owing to the small amount of wages being paid.

Therefore, they were held in a state of bondage—peons—and were forced, by intimidation or fear, to remain on the premises.

This condition becoming alarming to certain employers who desired to see right and justice done their men, determined that peonage should cease, and instructed men of their camps not to allow other operators to take away from their work men who had escaped from other camps, coming to them.

Hence, eight men, mentioned in the case of James W. Tarrance, et al., in order to prevent an unlawful arrest of the employees of other camps, it became necessary to use force to prevent the unlawful abduction of men working at the camps by woodriders, without warrant or authority, to seize and carry away these men. Hence an attempt was made to carry away laborers escaping from other camps.

Two Guards Killed

Then it was that it became necessary for James W. Tarrance to use such force as was necessary to prevent the unlawful arrest and carrying away the men at this camp and as a result of the shooting commenced by Tarrance, two white guards were killed. Tarrance was prosecuted, the case came on for trial, conviction was had and appeal was taken to the supreme court of Florida, thence to the supreme court of the United States. The following proposition of law was enunciated and declared:

"Excluding all persons of the African race from serving as jurors, solely because of race, is a denial of equal protection. Whenever, by any action of the state, whether through its legislative administration, its executive or administrative officers, or through its court, all persons of the African race are excluded, solely because of their race or color, from serving as grand or petit jurors in the prosecution of a person of the African race, the equal protection of the law is denied to him, contrary to the 14th amendment to the Constitution of the United States."

This principle of law has been repeatedly passed upon by the courts of this state, and when properly raised and presented has been always sustained.

The first of these cases was presented in 1900 at Pensacola, Fla., and this principle being denied in the trial court was appealed to the Florida supreme court, and finally presented and argued in the supreme court of the United States, where the court clearly enunciated the doctrine of the equality of the races in the selection of jurors. Upon the decision rendered in this case is based, to a large extent, the decision recently rendered in the Oklahoma court.

In this state, since the decision of the case of Tarrance, et al., in 1900, the following cases in which the jury question was raised by Attorney I. L. Purcell are as follows:

I. W. Montgomery vs. State

This is the first of the cases tried or brought before the court in which the jury question was raised after the disposition of the case of Tarrance vs. State of Florida.

In this particular case I. W. Montgomery was charged with grand embezzlement of $300 from W. P. Ross lodge No. 7, Knights of Pythias. This cause coming on to be heard in the trial court on Dec. 26, 1905. The defendant, by and through his attorney, filed certain motions and challenges to quash the venire of petit jurors summoned for jury service for that term of court.

Being arraigned the defendant entered a plea of not guilty and immediately the motions hereinbefore mentioned were made and the verdict of guilty was rendered against Montgomery, and he was sentenced to a term of two years in the state penitentiary. This, however, was taken by error to the supreme court of Florida and reversed on the grounds of excluding Negroes from the jury list, where a Colored man was being tried, and the case was ordered for retrial in the criminal court of record, Duval county, Florida. See Montgomery vs. State of Florida, 53 Florida, page 115.

In this case in which I. W. Montgomery was charged with embezzling as exchequer of W. P. Ross lodge No. 7, Knights of Pythias, there was no contention as to the guilt of innocence of Montgomery, but the question against Colored people was raised, and finally decided against Montgomery.

The case again went up on appeal to the supreme court of Florida, the decision of the lower court was reversed and remanded for retrial in the criminal court of record. In this case, in the opinion of the court, it says:

"The Constitution of the United States, within its limited sphere, is the supreme law of the land, and it is the duty of all officials, whether legislative, judicial, executive, administrative or ministerial, to so perform, every officer to act so as not to violate the constitutional provision."

The duty rests upon all acts, state and national, to guard, protect and enforce every right granted or secured by the Constitution of the United States, whenever such rights are involved in any proceeding before the court, and the right is duly and properly claimed or asserted.

Demand Equal Rights

Where discrimination has been made against a person because of race or color in a state statute or in any action of officers thereunder in selecting, summoning or impaneling jurors, any person or race so discriminated against who is to be tried by such jurors, taken for that purpose, have the statute or the action taken thereunder annuled by the court as being a denial by the state, to the person so being tried, the equal protection of the law in violation of the 14th amendment to the Constitution of the United States. This rule is the law of the land as determined by the supreme court of the United States acting within its judicial power.

The case was reversed and sent back to the criminal court of record of Duval county, Florida, on account of errors submitted. See 55 Florida, page 97.

This being the second time this cause had been before our supreme court, and the decision being the same in each case, the prosecuting attorney considering the fact that this case had twice been to the supreme court and reversed on the same question, that in the event the question was again raised, and the case go again to the state supreme court, the decision would be reversed. Hence, owing to the fact that it was not the purpose of the prosecution to summon and empanel Colored men on the jury, the case was nol-prossed and, in the end, the litigation in the Montgomery case, while he had twice been sentenced to the penitentiary for the term of two years, and twice reversed, there was no need of further trial, and Montgomery never saw the penitentiary.

Cites Another Case

In concluding I should like to further state the jury question was again raised in two cases in the criminal court in Duval county, Florida, in which Harry Bonaparte was prosecuted in the Criminal court of Duval county. Again this question arose and was denied in the trial court. The appeal went up to the supreme court of record in and for Duval county, Florida, to be tried according to law.

The second trial came on to be heard and the same qeustion was again raised and, finally in the supreme court, the contention was sustained and the case again sent back to the criminal court; the prosecuting attorney decided that if the jury question was insisted upon there would be no use of further trial of said cause, and the case was nol-prossed, but Bonaparte went free, although twice convicted and sentenced to imprisonment. It was my good fortune to be the attorney in this case also.

This information is prepared because of the fact of the importance of these decisions, and for the further fact that the people of the country are not aware of the fact that the courts of Florida have, whenever a case has been properly brought before them, sustained and upheld that general proposition of law that:

"Every man shall have a fair and impartial trial before a fair and impartial jury, and without any discrimination on account of race, color or previous condition of servitude."

This writer has spent many thousands of dollars of his personal money in defraying expenses in order that our people may have a fair and impartial trial in this state and to demonstrate the fact that the courts of this state are inclined and will, when the case is properly presented, to do what is right to protect the black man.

Juries – 1929

Georgia

COLORED JURORS

Much publicity has been given th
selection of two colored men a
members of the jury in the case c
the banker Manly who was recen
ly convicted in the United State
Court in Atlanta. So seldom ar
our men called to serve on any jur
that it caused wide attention
Years ago it was a common occu
rence to find colored men servin
on nearly every jury in this county
Until the advent of the present judg
on the bench of the United State
Court colored men served on both
the grand and petit jury of th
court at every session. They were
treated with hearty accord by tha
prince of them all, Honorable
Emory Speer. In the jury box
of the Superior Court th
names of a large number of me
were placed, at least, being large
than at present and even in th
City Court since the passing o
Judge Norwood, colored men hav
served on that jury. The num
ber of our men on the jury of these
courts should be increased and es
pecially should they be more recog
nized in the United States Court.
Judge Barrett is known as a friend
ly disposed gentleman and no doubt
if the names of colored men are in
the box, he would have no objection
calling upon them for service.

Negroes And Whites On Gergia Jury

—•—

ATLANTA, Ga., Oct. 25.—(ANP)—
A jury of [illegible] Negroes and ten white
was selected to decide whether o
not W. D. Manley, white Georgia
banker, is guilty of using mails to
defraud in connection with the col-
lapse of 85 Georgia and Florida banks.

Juries-1929

Missouri.

RACE LAWYER IS CALLED IN TO ADVISE GRAND JURY

East Lemongrove News

KANSAS CITY, Mo. — For the first time in twenty-five years a colored attorney gave advice to a special grand jury in Wyandotte county. Last Friday, D. E. Henderson, assistant county prosecutor was commissioned by Fred White county prosecutor to give counsel to the grand jurors who asked for legal advice from Judge C. A. Miller but who under the statutes could not give it. 11-21-29

Although there are three white assistants in the county prosecutor's office, if there is any opinion of law they are in doubt about, they receive such information from the county attorney or from Mr. Henderson.

Kentucky News

CHAS. P. JACKSON CHOSEN AS JUROR IN DAMAGE SUIT

One of the first instances of a colored American being chosen as a juror for a trial in St. Louis courts occurred this week. Charles P. Jackson, of the Victory Life Insurance Co., was accepted as juror by Attys. Jerome Duggan and George P. Priest. He will sit in a damage suit, Gossin vs Rolla Wells, in Judge O'Niel Ryan's Civil Court.

2-15-30

Juries-1929

Oklahoma.

NEGRO GIRL WINS NEW MURDER TRIAL

Oklahoma Appeals Court Holds Barring of Colored Jurors Reversible Error.

VIOLATED 14TH AMENDMENT

Panel Commissioners Acted Illegally on Sole Ground of Race, Says Opinion.

The Criminal Court of Appeals of Oklahoma recently ordered a new trial for a colored girl convicted of murder, because negroes were excluded from the panel of jurors drawn for the case expressly on account of their color. The decision is in line with a previous ruling by the Supreme Court of the United States in Strauder vs. West Virginia, in which the court said that the Fourteenth Amendment to the Constitution is violated when a negro is excluded from a jury list on account of his race, and a decision by the highest court in upholding the indictment of a county judge in Virginia because he excluded negroes from the jury list prepared by him. In that case Justice Strong, writing the opinion denying a writ of habeas corpus, referred to a State law and said:

"That statute gave him no authority, when selecting jurors from whom a panel might be drawn for a Circuit Court, to exclude all colored men merely because they were colored. Such an exclusion was not left within the limits of his discretion. It is idle, therefore, to say that the act of Congress is unconstitutional because it inflicts penalties upon State judges for their judicial action .It does no such thing."

The Oklahoma court held in the case of Carrick vs. State that the trial judge committed reversible error in denying the motion by the defendant's attorney to quash the jury because negroes entirely qualified to do jury duty had been excluded by the jury commissioners because of their color, and in the opinion written by Presiding Justice Doyle said:

"It is well settled that a denial to citizens of the African race solely on the ground of their race and color of the right or privilege accorded to white citizens of participating as jurors in the administration of justice is a discrimination contrary to the Fourteenth Amendment of the Constitution of the United States, which declares that: 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'

"The Constitution of the State of Oklahoma declares that: 'The Constitution of the United States is the supreme law of the land.'

Right to Equal Protection.

"The Supreme Court of the United States has repeatedly held that a person of African descent accused of crime is denied the equal protection of the laws, contrary to the guarantee of the Fourteenth Amendment, if citizens of the African race are excluded from service upon the grand jury returning the indictment against him or the petit jury before whom he is placed upon trial solely because of their race or color. And it makes no difference whether such exclusion because of race and color is effected by a statute or by the arbitrary and wrongful acts of the officers in the administration of the law.

"The fact that there were no persons of African descent upon the list of jurors selected by the jury commissioners or summoned for the purpose of trying appellant does not of itself show the exclusion of such persons solely because of race or color.

"In Ex parte Virginia (100 U. S., 339, 25 L. Ed., 676) the Supreme Court of the United States, speaking by Mr. Justice Strong, said that: 'A State acts by its legislative, its executive or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the State or of the officers or agents by whom its powers are exerted shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. This must be so or the constitutional prohibition has no meaning.'

"In Martin vs. Texas (200 U. S., 319, 26 S. Ct., 338, 50 L. Ed., 498) the Supreme Court of the United States, speaking by Mr. Justice Harlan, said: 'For it is the settled doctrine of this court that "whenever by any action of a State, whether through its Legislature, through its courts or through its executive or administrative officers, all persons of the African race are excluded solely because of their race or color from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the Fourteenth Amendment of the Constitution of the United States."'

No Exclusion of His Race.

"Speaking by Mr. Justice Harlan in Neal vs. Delaware, the Supreme Court of the United States said: 'We repeat what was said' by us in Va. vs. Rives (100 U. S., 322, 25 L. Ed., 667), 'that while a colored citizen, party to a trial involving his life, liberty or property, cannot claim as matter of right that his race shall have a representation on the jury, and while a mixed jury in a particular case is not, within the meaning of the Constitution, always or absolutely necessary to the equal protection of the laws, it is a right to which he is entitled: "That in the selection of jurors to pass upon his life, liberty or property there shall be no exclusion of his race, and no discrimination against them because of their color."'

"In Smith vs. State (4 Okl. Cr., 328, 111 P., 960, 140 Am. St. Rep., 688) this court said: 'The Fourteenth Amendment to the Constitution of the United States does not require the jury commissioners or other officers charged with the selection of juries to place negroes upon the jury list simply because they are negroes. The allegation that the jury was composed solely of white men does not violate the Fourteenth Amendment to the Constitution of the United States, and proof of that fact would not support the motion. The ground upon which the decisions of the Supreme Court of the United States rests is not that negroes were not selected to sit upon juries, but that they were excluded therefrom solely on account of their race or color. In other words, there is no law to compel the jury commissioners or other officers of the court to select or summon negroes as jurors. They can select any persons whom they regard as competent to serve as jurors without regard to their race or color, but the law prohibits them from excluding negroes solely on account of their race or color.'

"Upon the record before us we are of opinion that appellant was denied the equal protection of the laws contrary to the guaranty of the said Fourteenth Amendment. * * * For the error indicated the judgment appealed from is reversed and the cause remanded to the trial court for further proceedings according to law.

"The warden of the State penitentiary will surrender appellant, Jewell Carrick, to the Sheriff of Muskogee County, who will hold her in custody until she be discharged or her custody changed by due course of law."

Juries — 1929

Oklahoma

REVERSE CASE OF OKLAHOMA GIRL

Negroes Barred From Jury Panel, a Violation of Constitution

NEW YORK,—William T. Andrews, special legal assistant of the National Association for the Advancement of Colored People is calling attention to a case in Oklahoma where the conviction of a colored girl on a charge of murder was recently reversed because qualified Negroes had been excluded because of their color from the jury list.

The N. A. A. C. P. has sent for a copy of the decision in this case by the Criminal Court of Appeals of Oklahoma. Commenting on the decision in an editorial, the New York Law Journal says:

"In the recent case of Carrick vs. State (274 Pac. Rep. 896, Advance Sheets Mar. 25, 1929) the defendant, a young colored girl was convicted of murder. On appeal she complained that she was denied equal protection of the laws contrary to the guaranty of the 14th Amendment, since citizens of African descent had been purposely excluded from the panel of juror drawn to hear the testimony in her case. This rendered it impossible for a mixed jury to have come into existence. This pnjust discrimination, if established, would be sufficient basis for a new trial, since it contravened well settled constitutional principles. At the trial defendant's attorney moved to quash the panel and excepted to the Court's ruling denying his motion, thus preserving the point on appeal. The Criminal Court of Appeals of Oklahoma held t hat the trial court committed reversible error in overruling the motion to quash the panel of jurors, because it was shown and admitted that the jury commissioners had purposely excluded from the jury list, because of their color citizens of the African race who were perfectly qualified to perform jury service. This is a sound and wholesome ruling."

Juries-1929

Oklahoma.

EXCLUSION OF NEGROES FROM JURIES IN SOUTH IS UNCONSTITUTIONAL

Race Girl Wins New Murder Trial in Oklahoma. Case Similar to One Tried in Virginia

TULSA, Okla., Aug. 8. — The Criminal Court of Appeals of Oklahoma recently ordered a new trial for a Race girl convicted of murder, because Negroes were excluded from the panel of jurors drawn for the case expressly on account of their color. The decision is in line with a previous ruling by the Supreme Court of the United States in Strauder vs. West Virginia, in which the court said that the Fourteenth Amendment to the Constitution is violated when a Negro is excluded from a jury list on account of his race, and a decision by the highest court in upholding the incident of a county judge in Virginia because he excluded Negroes from the jury list prepared by him.

Oklahoma Court Rules

The Oklahoma court held in the case of Carrick vs. State that the trial judge committed reversible error in denying the motion by the defendant's attorney to squash the jury because Negroes entirely qualified to do jury duty had been excluded by the jury commissioners because of their color, and in the opinion written by Presiding Justice Dolye said:

"It is well settled that a denial to citizens of the African race solely on the ground of their race and color of the right or privilege accorded to white citizens of participating as jurors in the administration of justice is a discrimination contrary to the Fourteenth Amendment of the Constitution of the United States, which declares that: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws:'

'The Constitution of the State of Oklahoma declares that: 'The Constitution of the United States in the Supreme law of the land.'

Right to Equal Protection.

"The Supreme Court of the United States has repeatedly held that a person of African descent accused of crime is denied the legal protection of the laws, contrary to the guarantee of the Fourteenth Amendment, if citizens of the African race are excluded from service upon the grand jury returning the indictment against him or the petit jury before whom he is placed upon trial solely because of their race or color. And it makes no difference whether such exclusion because of race and color is affected by a statute or by the arbitrary and wrongful acts of the officers in the administration of the law.

"The fact that there were no persons of African descent upon the list of jurors selected by the jury commissioners or summoned for the purpose of trying appellant does not of itself show the exclusion of such persons solely because of race or color.

In the Virginia case Justice Strong, writing the opinion denying a writ of habeas corpus, referred to a State law and said:

"That statute gave him no authority, when selecting jurors from whom a panel might be drawn for a Circuit Court, to exclude all colored men merely because they were colored. Such an exclusion was not felt within the limits of his discretion It is idle, therefore, to say that the act of Congress is unconstitutional because it inflicts penalties upon State judges for their judical action. It does no such thing."

Juries-1929

Tennessee

SELECTION OF JURYMEN

East Tennessee News
11-7-29

The attitude of court officials as concerns the selectio of men to serve on juries indicates a democratic spirit tha is exceedingly gratifying. Possibly one of the most impor tant trials staged in recent months was that of Albert B Fall, in the city of Washington. A Negro railway employe was one of the twelve purors that returned a guilty verdic against the rich defendant. A banker was arraigned i Federal court in the city of Atlanta last week and a Negr was included among the number of jurymen who decide that the defendant was guilty. This week our Knox count criminal court takes its place in the ranks with other fai and impartial courts by selecting a Negro citizen as a mem ber of the grand jury. Knoxville News.

It is as it should be. The courts of our land should be void of even the slightest tendency to discriminate against men because of their racial affiliation. If the proper respect for the laws of our land is to be observed there must be no discriminatory tactics employed by those who administer the laws. There is no reason why Negroes should not serve on our juries and it is hoped that there will be further recognition accorded the members of the race, even on petit juries.

Negro Member On Grand Jury

East Tennessee News
11/7/29

The Knox County grand jury was selected for the November term of criminal court on Monday at which time Esquire J. E. Cate well known citizen of the county and father of Chief J. Carrol Cate, deputy prohibition administrator, was qualified as foreman.

Among the grand jurors selected was H. L. Jackson, member of the Negro racial group residing at Byington. The action of the court officials in according the race representation on the jury was a source of favorable comment generally.

Mr. Jackson was the first member of the race to be selected in several years. During the time that Mr. Robert E. Hood, at present a popular member of Sheriff Anderson's staff of deputies, served as foreman of the grand pury, the late Benjamin Hardin, of Concord, served as a member. John Tedford also served as a grand juror several terms ago.

Negroes on Federal Juries

Several prominent Negroes of this section have also served on the Federal juries during the past few years, including Esquire Phil Eudailey, leading race citizen of Dandridge, Tenn., and Rev. W. A. Webber, of Tate Springs, Tenn.

Other members of the grand jury selected Monday are C. A Hibbard, Charles Bates, J. J. Thacker, O. O. O'Dell, John Brakebill Hector Coffin, R. T. Ritter, James Coleman, M. L. Reed, David Gregg and J. W. Beam.

Following the charge as delivered by Judge E. G. Stooksbury, the grand jury went into session and will convene during the next ten days with the exception of Armistice Day, November 11.

Juries - 1929

Virginia
3

Negroes On Juries

A Norfolk court last week was the setting for a jury address, the effect of which was to arouse animosity and the purpose of which was to gain the freedom of a white man accused of the murder of a Negro. The lawyer for the defense, Daniel Coleman, told the jury that the slain Negro and many others had practiced arrogance and disrespect for white people, and that this attitude was developed by the theories being advanced by Congressman Oscar DePriest. The accused murderer claimed self-defense. No witness appeared in his favor. Three colored men present at the time of the slaying testified under oath that the dead man made no threatening advances. The defendant's white employer, a restaurant manager, pointed out that the knife used was not supposed to have been kept where the accused prisoner claimed he found it. The jury deliberated several hours, disagreed, and was discharged. There will be another trial.

Justice in the courts is a hollow phrase in the South where cases involve persons of the two races. It will continue to be so as long as lawyers use such patently indecent imbecilities. Arrogance and disrespect for white people are inconsequential items in a case of murder. They are not legitimate evidence, and their use is a shameless effort to sanction murder and an appeal to prejudices grounded in emotionally developed attitudes. The first howls anent Mr. DePriest were raised following a routine tea on June 12 to which Mrs DePriest was invited by Mrs. Hoover. The murder occurred June 4. Mr. DePriest's speeches were not then affording unprincipled persons with opportunity to revive a dying campaign of hate, the theme of which was the Negro is a scheming scoundrel who ought to go to hell before his intentions were accomplished and Nordic Supremacy devastated.

Until the increasing numbers of liberal white Southerners gain more influence and disseminate their principles of justice and fair-play, justice for the Negro in Southern courts is going to remain a meaningless shibboleth, and malignant rabble-rousing appeals made by clever lawyers to all-white juries are going to retain their potency. The Norfolk incident is not the first nor the worst example and in a city where interracial contacts are usually regarded calmly and dispassionately the incident is especially unfortunate. The blame for ill-feeling and color-blind justice will rest squarely upon those who employ vile anathemas unjustly where the Negro is concerned.

As long as the condition exists as it now stands, there is but one remedy. Southern states must cease ignoring their Negro citizens as jurors. Negroes on juries will tend to neutralize the conscious or unconscious desire to be lenient to accused persons of the jurors' own race. Justice is more likely where invocations to the forces of racial antipathies must meet the more balanced judgment of a jury of interracial makeup. Any decent society conscious of its social responsibility must frown upon any condition which negatives the fundamentals of just government. There is no such thing now as real justice, and it would be a good thing for the President's Law Enforcement Commission to look into the conditions which make justice to Negroes a mockery in Southern courts, especially where white persons are involved. Negroes must serve on juries. There is no other way out.